

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KENNETH CHAMBERLAIN, JR., AS THE
ADMINISTRATOR OF THE ESTATE OF
KENNETH CHAMBERLAIN, SR.,

Civil Action No. 12 CV 5142 (CS)

Plaintiff,

-against-

CITY OF WHITE PLAINS; WHITE PLAINS
HOUSING AUTHORITY; P.O. ANTHONY
CARELLI; P.O. STEVEN HART; P.O. MAURICE
LOVE; P.O. STEVEN DEMCHUK; P.O. MAREK
MARKOWSKI; SERGEANT STEPHEN
FOTTRELL; SERGEANT KEITH MARTIN;
LIEUTENANT JAMES SPENCER,

Defendants.

**PLAINTIFF'S OMNIBUS MEMORANDUM OF LAW IN OPPOSITION
TO DEFENDANTS' MOTIONS TO DISMISS THE AMENDED COMPLAINT**

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KENNETH CHAMBERLAIN, JR., AS THE
ADMINISTRATOR OF THE ESTATE OF
KENNETH CHAMBERLAIN, SR.,

Civil Action No. 12 CV 5142 (CS)

Plaintiff,
-against-

CITY OF WHITE PLAINS; WHITE
PLAINS HOUSING AUTHORITY; P.O.
ANTHONY CARELLI; P.O. STEVEN
HART; P.O. MAURICE LOVE; P.O.
STEVEN DEMCHUK; P.O. MAREK
MARKOWSKI; SERGEANT STEPHEN
FOTTRELL; SERGEANT KEITH
MARTIN; LIEUTENANT JAMES
SPENCER,

**DECLARATION OF
RANDOLPH M. MCLAUGHLIN IN
SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS THE
AMENDED COMPLAINT**

Defendants.

-----X

RANDOLPH M. MCLAUGHLIN, an attorney admitted to practice in this Court, hereby declares that the following is true and correct:

1. I am one of the attorneys representing Plaintiff Kenneth Chamberlain, Jr., as the Administrator of the Estate of Kenneth Chamberlain, Sr. I submit this Declaration and the accompanying Plaintiff's Omnibus Memorandum of Law in Opposition to Defendants' Motions to Dismiss the Amended Complaint.

2. Annexed hereto as Exhibit A is a true copy of Plaintiff's transcript of the Life Aid audio recordings, previously produced at the Court's direction on November 8, 2012.

3. Annexed hereto as Exhibit B is a true copy of Plaintiff's transcript of the White Plains Police Department Taser audio recordings, previously produced at the Court's direction on November 8, 2012.

4. Annexed hereto as Exhibit C is a true copy of Plaintiff's cover letter accompanying the transcripts produced to the Court on November 8, 2012.


5. Annexed hereto as Exhibit D is a true copy of Plaintiff's Freedom of Information Law ("FOIL") Request to the White Plains Department of Public Safety on April 3, 2012.

6. Annexed hereto as Exhibit E are true copies of news articles published at the time the Notice of Claim was served upon Defendant White Plains on February 15, 2012.

Dated: New York, New York
April 12, 2013

Respectfully Submitted,

NEWMAN FERRARA LLP



RANDOLPH M. MCLAUGHLIN